

**South Carolina Board of Pharmacy
Board Meeting**

9:00 a.m., November 16, 2010
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Tuesday, November 16, 2010

1. Meeting Called to Order

Bobby Bradham, R.Ph., chairman, of Charleston, called the regular meeting of the SC Board of Pharmacy to order at 9:03 a.m. Other Board members participating in the meeting included: Dan Bushardt, R.Ph., Vice Chairman, of Lake City; David Banks, R.Ph., of Simpsonville; Addison Livingston, R.Ph., of Swansea; Hugh Mobley, R.Ph., of Lancaster; Dock Henry Rose, R.Ph., of Greer; and Allen Toole, R.Ph., of Liberty; and Leo Richardson*, PhD., of Columbia.

Staff members participating during the meeting included: Lee Ann Bundrick, R.Ph., Administrator; Rosemary Boguski, R.Ph., Pharmacist Inspector; Marilyn Crouch, Program Assistant, Larry Grant, R.Ph., Pharmacist Inspector; Joe Newton, R.Ph., Pharmacist Inspector; Clelia Sanders, R.Ph., Ernie Shuler, R.Ph., Pharmacist Inspector. LLR employees participating during the meeting included: Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; PC Faglie, Investigator, OIE; Beverly Gould, Administrative Assistant; Pat Hanks, Litigating Attorney; and Eddy Lane, Hearing Advice Counsel.

Members of the public attending the meeting included: Shanna Amorsen, Cheryl Anderson, Carmelo Cinqueonce, Ivy Coleman, Jon Davidson, Levi Dllis, Laura Gonzalez, Kristen Gray-Mitchell, Sultan Jumani, Whitney McCoy, Joe Mullinax, Brian Musgrove, Connie Overton, Thomas Phillips, Eric Ridings, Shane Sanford, Ashley Saunders, Earl Silverstein, Mark Snyder, Caroline Sojourner, Robert Spires, Mike Taggart, Beth Thompson, Lucinda Van Anglen, Ed Vess, Jim Walker, Rick Wilson, and Dianna Wolfe.

a. Public Notice

Mr. Bradham announced that this meeting was being held in accordance with Section 30-4-80 of the S. C. Freedom of Information Act by notice mailed to The State Newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards at the two main entrances of the Kingstree Building.

b. Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Bushardt delivered the invocation.

2. Introduction of Board Members and all other persons attending

The Board members, staff and members of the public attending the meeting introduced themselves.

3. Chairman's Remarks – Bobby Bradham, R.Ph.

Mr. Bradham made no remarks at this time.

4. Approval of Minutes for September 15-16, 2010 Minutes

Mr. Livingston asked that Christopher Tidmarsh's name be added to list of attendees. Mr. Bradham noted one correction to a motion made by the Pharmacy Practice Committee. He noted the motion should read, 'The committee made a motion the Board require the pharmacist be licensed in South Carolina, although more information may be required.'

MOTION

Mr. Livingston made a motion the minutes of the September 15-16, 2010 meeting be approved as corrected. Mr. Bushardt seconded the motion which carried unanimously.

5. Approval of Reciprocity Candidates for Licensure:

- a. Dates: September 9, 10, 11, 13, 15, 22, 29, 30, October 5, 6, 13, 14, 15, 27, 29, November 8, 10, 11, 2010

MOTION

Mr. Banks made a motion the Board approve the reciprocity candidates. Mr. Bushardt seconded the motion which carried unanimously.

6. Administrator's Report, Lee Ann F. Bundrick, R.Ph.

Mrs. Bundrick delivered the following report.

Good Morning Mr. Chairman and members of the Board

- The next Board vacancy begins July 1, 2011 and ends June 30, 2017 for the First Congressional District. Before December 1, 2010, a candidate interested in running for the vacancy must submit a biography and a petition bearing signatures of at least 15 pharmacists practicing in the First District and be licensed and actively practicing pharmacy in South Carolina. To date, we have received information on Ms. Carole Small Russell as a candidate.
- As of this report we have approximately 2,926 active state-certified pharmacy technicians and 6,090 active registered pharmacy technicians. We have 6,987 active licensed pharmacists and 3,839 permitted facilities and 3 Electronic Prescribing Routing Companies.
- The Pharmacist Inspectors have conducted 190 inspections since the last Board Meeting.
 - Pharmacy Permit Inspections 92
 - Non-Dispensing Drug Outlet Permit Inspections 69
 - EMS Permit Inspections 13
 - Medical Gas/DME Permit Inspections 15
- Of the 190 inspections, 55 New Permits were issued.

Two Citations have been issued since the last Board Meeting.

- 30 Reciprocity Interviews have been conducted since the last Board Meeting. 21 of the 30 reciprocity interviews were done by Mr. Eddie Durant, RPh, Ms. Rosemary Boguski, RPh, and Ms. Lee Ann Bundrick, RPh. I would like to thank Mr. Durant and Ms. Boguski for assisting with this process.

- The Board of Pharmacy has continued to serve as a site for pharmacy students on clinical rotations from SC College of Pharmacy – USC Campus. During the month of October, Ms. Alexis Fairbanks was on rotation at the Board office.
- I have been appointed to the NABP Committee on Law Enforcement/Legislation on behalf of NABP President William Winsley scheduled to meet March 8-9, 2011 at NABP.
- On September 21, 2010, OLC sent out a letter to all state certified pharmacy technicians requesting that they submit a copy of their National PTCB Certificate to update the files. It was brought to the Board's attention at the Pharmacy Technician committee in March that some state certified pharmacy technicians were allowed to renew their registrations without evidence of PTCB certification. This is a follow up from a motion that the Board made at its March 24, 2010 meeting. I would like to thank Ms. Annette Disher for all her assistance in accomplishing this task.
- My staff and/or I have participated in the following meetings since the September meeting:
 - Ms. Cle Sanders presented "E-Prescribing Review" at the SC Pharmacy Association Regional Rally in Columbia, SC on September 16, 2010. I attended this Rally also.
 - Ms. Cle Sanders participated in a conference call with HCA Directors regarding Remote Order Entry.
 - On September 20, 2010. I toured South University School of Pharmacy.
 - Mr. Ernie Shuler presented a State Law and Compounding Program at Professional Medical Training Center for pharmacy technicians on September 22, 2010.
 - Pharmacy Technology Subcommittee met on September 23, 2010, to review the Talyst Automated Dispensing System. Mr. Dan Bushardt attended as a Board Member. Mr. Joe Newton, Ms. Rosemary Boguski, Ms. Cle Sanders, and I attended as staff.
 - Ms. Cle Sanders and I attended the Advisory Flu Vaccine Protocol Committee meeting on September 24, 2010.
 - Telephone IRC with Mr. Turner on September 27, 2010.
 - Mr. Ernie Shuler presented "E-Prescribing Review" at the SC Pharmacy Association Regional Rally in Aiken, SC on September 28, 2010.
 - Ms. Cle Sanders presented "E-Prescribing Review" at the SC Pharmacy Association Regional Rally in Charleston, SC on September 30, 2010.
 - Mr. Dan Bushardt and Ms. Cle Sanders attended the LogiPharm Conference in Boston, MA, October 3-5, 2010.

- Ms. Cle Sanders and I attended the Free Medical Clinic Meeting and conducted a Board of Pharmacy Awareness presentation on October 8, 2010.
 - Mr. Bobby Bradham and I attended the SC Pharmacy Association's Board of Directors meeting on October 12, 2010 regarding legislation for the upcoming session.
 - I met with Chairman Bobby Bradham on October 12, 2010 to handle Board business and discuss the November Board meeting.
 - Mr. Ernie Shuler presented "E-Prescribing Review" at the SC Pharmacy Association Regional Rally in Florence, SC on October 12, 2010.
 - Ms. Rosemary Boguski presented "E-Prescribing Review" at the SC Pharmacy Association Regional Rally in Anderson, SC on October 14, 2010.
 - Telephone IRC with Mr. Turner on October 19, 2010.
 - Ms. Cle Sanders presented "E-Prescribing Review" at the SC Pharmacy Association Regional Rally in Columbia, SC on October 19, 2010.
 - Mr. Bobby Bradham, Mr. Larry Grant, Ms. Cle Sanders and I attended MALTAGON Annual Meeting in Little Rock, AR, October 24-27, 2010.
 - Ms. Cle Sanders and I attended the SC Society of Health System Pharmacists Meeting in Columbia, SC on October 28, 2010. Ms. Sanders presented "Being Prepared for Board of Pharmacy Inspections".
 - Ms. Cle Sanders and I met with Ms. Connie Overton with DEA on November 4, 2010 to discuss how we can better work together on issues affecting both agencies.
 - Pharmacy Technology Committee met on November 4, 2010, Mr. Dan Bushardt, Mr. David Banks, and Mr. Bobby Bradham attended as Board Members. Mr. Joe Newton, Ms. Rosemary Boguski, Mr. Ernie Shuler, Mr. Larry Grant, Ms. Cle Sanders and I attended as staff.
 - An Inspector's Staff Meeting on November 4, 2010.
 - Ms. Cle Sanders meet with the Detention Centers and Jails and provided a presentation on Passing (Administering) Medications on November 9, 2010.
 - Mr. Bobby Bradham and Mr. David Banks attended the House of Delegates at the SCPhA Annual Meeting on November 14, 2010.
- Staff has attended agency, board staff, compliance staff and legal counsel meetings.

- Administration notified me on October 13, 2010 that I could proceed with interviews for my vacant FTE. Ms. Cle Sanders and I have interviewed 3 candidates for the Pharmacist Inspector FTE . We have interviews set up for the rest of this week. Upon completion of the interviews, the appropriate paperwork will be forwarded to Human Resources.
- Staff is working on the 1st quarter newsletter. If you have any suggestions for articles, please let me know so we can meet our deadline to NABP. A copy of the draft will be provided for your review and comments prior to the January 1st deadline.
- Handouts for your review that are under the Administrators Tab that may be of interest to you include: an e-mail from NABP requesting that I be on the Committee of Law Enforcement/Legislation in March 2011, a memo from Carmen Catizone of NABP concerning the 2011 Lester E. Hosta Distinguished Service Award, 2011 Fred T. Mahaffey Award, 2011 NABP Honorary President and the 2011 John F. Atkinson Service Award with a deadline for nominations by December 31, 2010, and the financial report for your review.
- I would like to thank the Board for their continued support of me and the rest of the staff in the office. We always appreciate the encouragement and support you give us.

And of course, I will respectfully answer any questions you may have.

7. Reports from:

- a. Office of Investigation and Enforcement – PC Faglie
Mr. PC Faglie delivered the following report.

Cases handled from January 1, 2010 – November 16, 2010

43 active investigations
20 cases closed
40 do not open cases
2 cases pending board action
1 case pending closure
7 cases pending disposition
1 case pending a consent agreement
7 cases pending formal complaint status
6 cases pending investigation
3 cases pending IRC
7 cases pending OGC action
116 cases closes
41 cases that were do not open cases
1 case pending closure
51 active investigations

- b. Office of General Counsel – Pat Hanks
Mr. Hanks delivered the following report.

There are currently 32 open cases in OGC, of which 27 are being worked; five cases are pending closure; one is pending a hearing, which is scheduled for this meeting; and two are

pending the drafting of final orders. He noted 22 cases have been closed during the 2010 calendar year.

c. Office of Information Services

There are currently 2,926 certified pharmacy technicians, 6,113 pharmacy technicians, and three routing companies. There are currently 21,532 active licenses.

d. Finance Report – Tracy McCarley

Ms. McCarley was not present for the meeting.

The Board was presented with a financial report.

8. Compliance and Inspectors Report

IRC Report

Dismissal

MOTION

Mr. Bushardt made a motion the Board approve the IRCs recommendation regarding the one case for dismissal. Mr. Banks seconded the motion which carried unanimously.

Formal Complaints

MOTION

Mr. Banks made a motion the Board accept the IRCs recommendation regarding the ten cases recommended for formal complaints. Mr. Mobley seconded carried unanimously.

Resolution Guidelines Report

Consent Agreement

MOTION

Mr. Livingston made a motion the Board approve the consent agreement. Mr. Rose seconded the motion which carried unanimously.

Dismissal with Letter of Concern

MOTION

Mr. Rose made a motion the Board accept the cases five recommended for dismissal with letter of concern. Mr. Livingston seconded the motion which carried unanimously.

Formal Complaints

MOTION

Mr. Rose made a motion the Board accept the one case recommended for formal complaint. Mr. Banks seconded the motion which carried unanimously.

a. Agreement to Relinquish

i. Case #: 2009-47

ii. Case #: 2010-126

MOTION

Mr. Bushardt made a motion the Board approve the Agreements to Relinquish. Mr. Banks seconded the motion which carried unanimously.

b. Voluntary Surrender

i. Case #: 2010-10

ii. Case #: 2010-33

iii. Case #: 2010-118

The voluntary surrenders were presented to the Board as information.

- c. Consent Agreement
 - i. Case #: 2008-144
 - ii. Case #: 2009-74
 - iii. Case #: 2009-101
 - iv. Case #: 2010-72
 - v. Case #: 2010-139

MOTION

Mr. Banks made a motion the Board approve the consent agreements. Mr. Livingston seconded the motion which carried unanimously.

- d. Cease and Desist Order

A cease and desist order regarding All Med located in Jefferson City, Missouri was presented as information to the members. The facility was in violation of shipping medications into the state which is a violation of Section 40-43-30(14), Section 40-43-84(a), and Regulation 99-43.

Mrs. Sanders noted the inspectors have been asked to review invoices to ensure this does not happen again.

- e. Request Release from Order - Brian Musgrove

On January 24, 2007 Brian Musgrove appeared before the Board seeking the Board's approval to reinstate his pharmacist license. During that meeting he offered testimony regarding his conviction for insurance fraud and his guilty plea to charges in federal court in February 2004. A Board order dated September 23, 2004 ordered that his license be suspended for two years. During the January 24, 2007 meeting he also testified that he had completed his time in prison and that he was on probation for no less than three years and until he can make restitution of more than \$300,000.00. He also testified that he had applied for reinstatement of his pharmacist license in Virginia. A Board order dated January 24, 2007 ordered that Mr. Musgrove's pharmacist license be reinstated conditional upon passing the MPJE and submission of documents showing completion of all continuing education requires by the statute for renewal of his license. The order also stated that any license granted to Mr. Musgrove be placed on probation to run concurrently with his probation through the federal courts and until further order of the Board. The order stated he was not to serve as a permit holder or pharmacist-in-charge (PIC) during the probation period.

On October 21, 2010 the Board received a letter from Mr. Musgrove stating he had completed the requirements of his probation and asking that he be allowed to appear before the Board during this meeting to seek the Board's approval to be removed from probation.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Brian Musgrove appeared before the Board.

Mr. Bradham informed Mr. Musgrove the Board would take his testimony under advisement and would render a decision later in the meeting.

Dr. Richardson arrived at the meeting at 9:58 a.m.

- f. Request for Modification of Order - Lloyd Carroll

On March 25, 2009 Lloyd Carroll entered into a Consent Agreement with the Board. The Consent Agreement reflects that Mr. Carroll voluntarily entered into a contract with the Recovering Professionals Program (RPP). According to the contract Mr. Carroll was to remain drug and alcohol free and would be subject to random drug screens. A drug screen was conducted on January 28, 2008 where it was determined he had ingested alcohol. Mr. Carroll has labored from other violations of his RPP contract and continued use of alcohol during the time he was to remain alcohol free indicated he was not fit to practice pharmacy. The Agreement also noted that he was compliant with the terms of his contract at the time he entered the Consent Agreement. The Agreement stated his license would be reinstated no earlier than May 15, 2009 contingent upon his then current compliance with his contract with RPP, an intensive out-patient program and meeting the licensing requirements of Section 40-43-110. By entering the Consent Agreement Mr. Carroll agreed not to serve as a permit holder or pharmacist-in-charge (PIC). In a letter to the Board dated November 10, 2010 Mr. Carroll is seeking to modify his Agreement to allow him to become a PIC with Rite Aid.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Lloyd Carroll and Jon Davidson of RPP appeared before the Board.

Mr. Bradham informed Mr. Carroll the Board would take his testimony under advisement and would render a decision later in the meeting.

Executive Session

MOTION

Mr. Mobley made a motion the Board enter executive session to seek legal advice. Mr. Banks seconded the motion which carried unanimously.

Return to Public Session

MOTION

Mr. Rose made a motion the Board return to public session. Mr. Banks seconded the motion which carried unanimously.

Mr. Bradham noted for the record that no official action was taken during executive session.

Request Release from Order - Brian Musgrove

MOTION

Mr. Banks moved the Board grant the request pending the reinstatement of his Virginia license. Mr. Rose seconded the motion which carried unanimously.

Request for Modification of Order - Lloyd Carroll

Mr. Banks recused himself from voting in this matter.

MOTION

Mr. Mobley made a motion the Board deny the request. Mr. Rose seconded the motion which carried unanimously.

9. Old Business

There was no old business for discussion during this meeting.

10. New Business

- i. Request Approval of Non-Resident Pharmacy Application - Healix Therapy, Inc., Earl Silverstein, Lucinda Van Anglen

On July 8, 2010 the Board received a non-resident pharmacy application from Healix Therapy, Inc. The application reflects a yes answer to the question asking, "Have you ever had an application for a pharmacy; pharmacist license, permit or certificate; or a technician license or registration denied, refused or revoked in South Carolina or any other state or country?" It also reflects that Mr. Reginald Thompson, R.Ph., was denied licensure in Louisiana, Alabama, and Michigan. The application included a document from Texas which states that Mr. Thompson had alleged violations of felony convictions, a misdemeanor conviction, deferred adjudication for the misdemeanor offense of theft; and falsified pharmacist license renewal applications with regard to prior felony and misdemeanor convictions. A board order was accepted by the licensee and entered by the board on November 9, 2004 which suspended his license for six months, followed by a three year probation period, under conditions and he was fined \$5,000.00.

Staff notified Helix Infusion Therapy by letter dated September 17, 2010 that the application could not be approved at staff level due to a yes answer and asked that representative be present for this meeting to answer questions from the members. The letter also stated the company's non-resident pharmacy permit #8555 lapsed on June 30, 2006 which would have to be made current prior to the issuance of a South Carolina permit if the Board approved the application. The letter asked that the company provide a letter of explanation of why the permit was allowed to lapse and when the pharmacy relocated.

In a letter dated October 6, 2010 Mr. Earl Silverstein, Vice President of Legal Affairs for Healix Infusion states the company attempted to renew the lapsed license in August 2006 and was informed the company would have to submit a new application. The company determined it would not move forward at that time and have not provided services to South Carolina since. The company would now like to provide services to South Carolina and has applied for a permit as previously directed. The company has been made aware of South Carolina's revised regulations and instead of applying for a new permit the company will move through the process of reactivating the former permit as requested during a telephone call with staff.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Earl Silverstein and Lucinda Van Anglen appeared before the Board and answered questions from the members in regard to educational training, inspection reports, non-sterile compounding and sterile compounding, and the policy and procedure regarding preferred drugs.

Mr. Bradham informed Mr. Silverstein and Ms. Van Anglen that the Board would take their testimony under advisement and would render a decision later in the meeting.

- ii. Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application - Superior Medical Supply, Inc. in Westminster, CO and Franklin, NC – Mark Snyder

On August 20, 2010 a non-resident wholesale/distributor/manufacturer application from Superior Medical Supply located in Franklin, North Carolina and on September 8, 2010 the Board received a non-resident wholesale/distributor/manufacturer application from Superior Medical Supply located in Westminster, Colorado. The applications reflect yes answers to the questions asking, 'To the best of your knowledge, has the applicant(s) ever: had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws in South Carolina or

any other state?', 'Is there any pending disciplinary action?', 'Been charged, convicted, fined, or entered in a plea of guilty or nolo contendere in any criminal prosecution, felony or misdemeanor, in South Carolina or any other state, or in a United States court?', for any offense involving the practice of pharmacy, or relating to acts committed with a pharmacy or drug distributor setting or incident to pharmacy practice, whether or not a sentence was imposed?' 'Have you ever had a disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?', and 'Have you ever violated the drug laws, rules, statutes and/or regulations of South Carolina, or any other state or country of the United States?' The applications could not be approved at staff level due to the yes answers. Staff notified the Franklin, North Carolina location by letter dated August 27, 2010 and notified the Superior, Colorado location by letter dated September 15, 2010 that a representative would need to be present during the meeting to answer questions from the members.

Superior Medical Supply entered into a settlement agreement with the Drug Enforcement Administration (DEA) on October 9, 2008 which included a temporary suspension of the controlled substance license from October 16, 2008 to April 15, 2009. The license was re-issued May 4, 2009. The agreement resulted in a monetary payment and additional reporting requirements to the local DEA office for five years. The company is compliant with the agreement and the controlled substance license is active.

On June 24, 2009 the company agreed to a Stipulation and Final Agency Order with the Colorado State Board of Pharmacy which resulted in a fine with surcharge to be made payable over a period of 24 months. The company is compliant with the Stipulation and Final Agency Order and the wholesale license is active.

Superior Medical Supply received an Accusation from the California State Board of Pharmacy to which the company has made a response. The company is currently in settlement negotiations with the Board regarding the matters listed in the Accusation. The wholesale license remains active and clear.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mark Snyder appeared before the Board and answered questions from the members.

Mr. Bradham informed Mr. Snyder that the Board would take his testimony under advisement and would render a decision later in the meeting.

iii. Request Approval of Non-Resident Pharmacy Application – Specialty Veterinary Pharmacy – Laura Gonzalez

On October 7, 2010 the Board received a non-resident pharmacy permit application from Specialty Veterinary Pharmacy. The application reflects yes answers to the questions asking, 'To the best of your knowledge, is there any pending disciplinary action against the applicant permit?' and 'To the best of your knowledge, has the applicant ever been charged, convicted, fined or entered in a plea of guilty or nolo contendere in any criminal prosecution, felony or misdemeanor in South Carolina or any other state, or in a United States court for any offense involving moral turpitude whether or not a sentence was imposed?' In 1999 Ms. Gonzalez was arrested for shoplifting. She was sentenced to six months deferred adjudication probation which she successfully completed. The application could not be approved at staff level due to the yes

answer. Staff notified Specialty Veterinary Pharmacy by letter dated October 18, 2010 that the Board would review the application during this meeting and asked that a representative be present to answer questions from the members.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Laura Gonzalez appeared before the Board and answered questions from the members.

Mr. Mobley asked that the Board provide Ms. Gonzalez with an extensive list of information the Board would need to review prior to making a decision.

iv. Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application – Medline Industries, Beth Thompson and Dianna Wolfe

On September 14, 2010 the Board received a non-resident wholesale/distributor/manufacturer application from Medline Industries. The application reflects yes answers to the questions asking, 'To the best of your knowledge, has the applicant(s) ever had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws in South Carolina or any other state?', 'Is there any pending disciplinary action?', 'Have you ever had an application for a drug distributor permit, pharmacy or pharmacist license, permit or certificate or a technician license or registration denied, refused, or revoked in South Carolina or any other state or country?', 'Have you ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?', and 'Have you ever violated the drug laws, rules, statutes and/or regulations of South Carolina, or any other state or country or the United States?'

On August 4, 2005 Medline Industries received disciplinary action for violations and was placed on probation by the Missouri Board of Pharmacy. The company was required to file disciplinary reports with the Board every six months until August 2010. The company received a letter from the Missouri Board of Pharmacy, dated August 3, 2010, stating the company has completed the terms.

On May 1, 2008 the Louisiana Board of Pharmacy cited the Covington facility for failure to properly maintain copies of current customer licenses or a customer listing on site. The company entered into a consent agreement on May 1, 2008 and paid a fine. No other restrictions were placed on the license.

On May 14, 2008 Medline Industries received a Notice of Violations from the Florida Department of Health for having the wrong type of permit for the activities being performed, distribution of prescription drugs to an unauthorized recipient, failing to pass a full pedigree, inadequate recordkeeping, permit not renewed in a timely manner, and prescription drugs found at an unlicensed Medline facility. The company paid a fine and resolved all issues to the satisfaction of the Florida Department of Health.

On July 8, 2008 Medline Industries location in Hawaii was fined \$5,000.00 and placed on probation by the Hawaii Regulated Industries Complaints Office for failing to report the violations already listed to the Hawaii Board of Pharmacy within 30 days. The company was required to comply with the terms of the Missouri probation, comply with the terms of the Florida final order and send proof of compliance with both to the Hawaii Board.

On December 9, 2008 the Wausau, Wisconsin location of Medline Industries was reprimanded and fined by the Wisconsin Department of Regulation and Licensing as a result of a May 2008 inspection which noted that several policies were missing and pre-packaged surgical kits containing prescription drugs were not be stored properly. Corrections were made and a re-inspection was conducted.

On April 27, 2009 the Mundelein, Illinois location of Medline Industries was fined \$1,000.00 for violating Hawaii's revised statute involving disciplinary action by another state and professional misconduct after notifying the Hawaii Board of Pharmacy of the Wisconsin case. A final order was received and the fine was paid.

On March 24, 2010 the Kansas City, Missouri location of Medline Industries applied for a Colorado out of state wholesaler license. The Colorado Board of Pharmacy denied the application based on the probationary status of the facility's Missouri license. The company requested the Board accept its application and issue a conditional license. A conditional license was issued and placed on probation for the duration of the Missouri probation (until August 2, 2010). The company must remain in compliance with the Missouri probation agreement during the period.

On August 19, 2010 Medline Industries reached a settlement agreement with the Florida Department of Health, effective October 1, 2010. The Miami, Florida location applied for a Florida in-state wholesale drug distributor license. Several deficiencies were noted during an on-site inspection which included record keeping, the name on intra-company transfers from the Dallas, Texas location to the Orlando, Florida and Gainesville, Florida locations, and pedigree paperwork for sterile procedure trays. The terms of the agreement included an agreed upon settlement amount, as well as correct noted deficiencies, retain a third party auditor to monitor the facilities for compliance, and report any subsequent violations to the Florida Department of Health. Note: The majority of the deficiencies noted are no longer violations since Florida's law on pedigrees was recently amended to exempt surgical convenience kits from the pedigree requirement. The agreement is in effect for two years from the effective date of the order.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Beth Thompson and Dianna Wolfe appeared before the Board and answered questions from the members.

Mr. Bradham informed Ms. Thompson and Ms. Wolfe that the Board would take their testimony under advisement and would render a decision later in the meeting.

v. Request Approval of Non-Resident Pharmacy Application – Triad Isotopes, Inc, Bill McCormick

On August 4, 2010 the Board received a non-resident pharmacy application from Triad Isotopes, Inc. The application reflects yes answers to the questions asking, 'To the best of your knowledge, has the applicant ever had a permit disciplined, denied, refused, or revoked for violations of any pharmacy laws, drug laws in South Carolina or any other state?' and 'Have you ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?'

On July 16, 2008 Triad Isotopes entered into a consent agreement with the State of Georgia as a result of a self-reported increased radiation exposure incident on August 23, 2007. The company agreed to pay a \$5,000.00 fine, implement certain new policies and re-train its staff regarding equipment failures. A July 17, 2008 Notice of Violation from the State of Florida resulted from a pharmacy inspection. The pharmacy was cited for inadequate RSO oversight of the employee's personal dosimetry results. The RSO was re-trained and his performance is audited on a regular basis. The pharmacy was also assessed a fine of \$750.00. An August 14, 2008 Notice of Violation from the State of Florida resulted from a pharmacy inspection. The pharmacy was cited for inadequate RSO oversight of the employee's personal dosimetry results. The RSO was re-trained and his performance is audited on a regular basis. The pharmacy was also assessed a fine of \$900.00. On January 22, 2009 the pharmacy received a proposed consent agreement as a result of a staff pharmacist's failure to renew licensure in Alabama. The proposed consent agreement was revised and completed by the company on February 9, 2009. The company was fined \$500.00 for employing the pharmacist. The pharmacist was issued a renewed license after paying an administrative fine of \$1,000.00. The PIC was also issued an administrative fine of \$500.00. The staff pharmacist who failed to renew licensure subsequently resigned from the company.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Bill McCormick did not appear before the Board during this meeting.

The Board did not take action on this matter.

vi. Request Approval of Pharmacy Technician Registration Application – Whitney McCoy

On September 2, 2010 the Board received a pharmacy technician registration application from Whitney McCoy. Ms. McCoy's application reflects a yes answer to the question asking, 'Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)?' and 'Is there any legal action pending against you or are you currently on probation for any charges or legal action?' In July 2009 Ms. McCoy was charged with simple assault no battery. An individual started an altercation after which Ms. McCoy was attacked. After defending herself during the scuffle the other individual was unintentionally injured. No weapons were used during the scuffle. Ms. McCoy was fined \$100.00.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Whitney McCoy appeared before the Board and answered questions from the members.

Mr. Bradham informed Ms. McCoy that the Board would take her testimony under advisement and would render a decision later in the meeting.

vii. Request Approval of Pharmacist Reciprocity Application – Ashley Saunders

On September 14, 2010 the Board received a pharmacist reciprocity application from Ashley Saunders. Ms. Saunders' application reflects a yes answer to the question asking, 'Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?' In February 2009 the Alabama Board of Pharmacy fined Ms. Saunders for working an unregistered pharmacy technician since she was the pharmacist on duty on the

day of the board inspection. She was not the PIC and was unaware the pharmacy technician was unregistered.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Ashley Saunders appeared before the Board and answered questions from the members. She was not the pharmacist-in-charge; however, the pharmacist-in-charge submitted a letter to the Board and cleared her name in the matter.

MOTION

Mr. Livingston made a motion the Board approve her request. Mr. Banks seconded the motion which carried unanimously.

11. LUNCH

The Board recessed for lunch at 12:15 p.m. and returned to public session at 2:00 p.m.

Return to Public Session

12. Hearing

i. In the Matter of, Kathy Gosling, PhT

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Kathy Gosling was properly notified of this hearing; however, she did not appear and the hearing was held in absentia.

Lauren Patton of the SC Department of Health and Environmental Control (SCDHEC) Bureau of Drug Control was a witness for the state.

MOTION

Mr. Rose made a motion the Board permanently revoke Ms. Gosling's registration. Mr. Mobley seconded the motion which carried unanimously.

13. New Business (Continued)

i. Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application – Teleflex Medical, Fort Worth, TX and Durham, NC, Mike Taggart

On July 2, 2010 the Board received non-resident wholesale/distributor and/or manufacturer applications from Teleflex Medical Inc. located in Fort Worth, Texas and Durham, North Carolina. The Fort Worth, Texas application reflects a yes answer to the question asking, 'Have you ever had disciplinary action taken against you, or a pharmacy or drug distributor facility you owned, or a pharmacy or drug distributor facility where you were employed, by the Board of Pharmacy (or its equivalent) in South Carolina or any other state or country?' On May 28, 2008 the Missouri Board of Pharmacy issued an order to issue Teleflex Medical a restricted drug distributor license based on the violation of that Board's practice act. The restrictions included, but not limited to, a five year probation during which time the pharmacy is to pay all required licensing and renewal fees prior to October 31 of each licensing year; comply with all provisions of Chapter 338, Chapter 195 and all applicable federal and state drug laws, rules and regulations, if, after disciplinary sanctions have been imposed, the pharmacy fails to keep its distributor license current the unlicensed period would not be taken as part of the time of discipline as imposed, the pharmacy will report to the Board on pre-printed forms supplied by the Board once every six months, stating whether or not it is compliance,

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Mike Taggert appeared before the Board and answered questions from the members.

Mr. Bradham informed Mr. Taggert that the Board would take her testimony under advisement and would render a decision later in the meeting.

ii. Request Approval of Pharmacy Technician Registration Application – Jeannie Jones

On August 23, 2010 the Board received a pharmacy technician registration application from Jeannie Jones. Ms. Jones answered no to the questions asking, 'Have you ever been convicted of any criminal or civil charges (other than a minor traffic ticket)?' and 'Is there any legal action pending against you or are you currently on probation for any charges or legal action?' On August 19, 2010 the Board received a letter from the respondent stating she did have a prior arrest record dating back to 1992 and included a breach of trust conviction in 2004.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Jeannie Jones appeared before the Board and answered questions from the members.

Mr. Ray Trotter explained to the Board that her application contained no answers to the questions regarding arrests and convictions. Ms. Jones stated another employee completed the application which she failed to review prior to signing and submitting.

Mr. Bradham informed Ms. Jones that the Board would take her testimony under advisement and would render a decision later in the meeting.

iii. Pharmacy Technician Registration Application

Mrs. Bundrick stated Mr. Hayes had given the members forms to review and approve. She further stated the forms have now been placed on the Board's website without staff's knowledge. She noted staff is now receiving phone calls asking for refunds.

MOTION

Mr. Mobley made a motion the forms be removed from the website with that statement, make any corrections and send to the Board for its approval. Mr. Rose seconded the motion which carried unanimously.

Executive Session

MOTION

Mr. Mobley made a motion the Board enter executive session to seek legal advice. Mr. Rose seconded the motion which carried unanimously.

Return to Public Session

MOTION

Mr. Bushardt made a motion the Board return to public session. Mr. Rose seconded the motion which carried unanimously.

Mr. Bradham noted for the record that no official was taken during executive session.

Request Approval of Non-Resident Pharmacy Application - Healix Therapy, Inc.

MOTION

Mr. Mobley made a motion the Board approve the application pending the company providing the Board with a copy of the last third party inspection of the hood cleaning room, a copy of a label, a copy of a proposed physician order, a copy of employee competency and education without the employee name for staff's review. Mr. Banks seconded carried unanimously.

Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application - Superior Medical Supply, Inc. in Westminster, CO and Franklin, NC

MOTION

Mr. Bushardt made a motion the Board the non-resident wholesale/distributor/manufacturer application be denied until the California situation is resolved and VAWD accreditation is approved. Mr. Rose seconded the motion which carried unanimously.

Request Approval of Non-Resident Pharmacy Application – Specialty Veterinary Pharmacy

MOTION

Mr. Livingston made a motion the Board deny the application until the application packet is complete, that the Board remind the company that any shipment into South Carolina until application is granted is an illegal shipment, and to complete the packet the Board would like to see the form the company uses to validate staff, the logs of the clean ante room and hood inspections for the last year, an example of a sterile and non sterile product label, an example of the compounding log for sterile and non-sterile products, and a copy of last Texas inspection. Mr. Rose seconded the motion which carried unanimously.

Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application – Medline Industries

MOTION

Mr. Rose made a motion the Board approve the non-resident wholesale/distributor/manufacturer application for Medline Industries pending VAWD certification for the central office and that the company not ship into South Carolina until that time. Mr. Bushardt seconded the motion which carried unanimously.

Request Approval of Pharmacy Technician Registration Application – Whitney McCoy

MOTION

Dr. Richardson made a motion the Board grant registration to Ms. McCoy. Mr. Banks seconded the motion which carried unanimously.

Request Approval of Non-Resident Wholesale/Distributor/Manufacturer Application – Teleflex Medical, Fort Worth, TX and Durham, NC

MOTION

Mr. Banks made a motion the Board accept the application on probation status, pending VAWD certification, that the VAWD certification is to be complete by January 2012 and when the permit is renewed in 2011 the company is to submit an update regarding VAWD certification to the Board. Mr. Rose seconded the motion which carried unanimously.

Request Approval of Pharmacy Technician Registration Application – Jeannie Jones

MOTION

Dr. Richardson made a motion the Board grant registration to Ms. Jones, that the registration be placed on probationary status to run concurrent with Florida probation, that she is to submit a

SLED report annually, at her own expense, until 2013. Mr. Banks seconded the motion which carried unanimously.

14. Committee Reports

- i. Pharmacy Technician – David Banks, R.Ph., Al Toole, R.Ph., Dan Bushardt, R.Ph.

This committee had no report.

- ii. Compounding– Hugh Mobley, R.Ph, Addison Livingston, PharmD.

This committee had no report.

- iii. Legislative –Bobby Bradham, R.Ph., Dr. Richardson, Hugh Mobley, R.Ph.

The committee has not met. The committee is asking Ms. Dantzler to clarify physician dispensing in regard.

Ms. Dantzler stated make your statute comply with the other statute.

- iv. Nuclear Pharmacy – Dock H. Rose, R.Ph., Bobby Bradham, R.Ph. Hugh Mobley, R.Ph.

This committee has not met since the last meeting

- v. Pharmacy Practice – Dock H. Rose, R.Ph., David Banks, R.Ph., Hugh Mobley, R.Ph.

This committee has not met since the last meeting.

- vi. Pharmacy Technology – Dan Bushardt, R.Ph., David Banks, R.Ph.

The committee met on September 23, 2010 and made a motion a pharmacist reload the dispensing canister and dispense medication, having repackaging logs and labels customized for patients according to the Practice Act and must meet the USP guidelines. Since the motion came from committee no second needed. The motion carried unanimously.

The committee met on November 4, 2010 and discussion ensued in regard to pharmacists not being allowed to work from a home office.

- vii. Recovering Professional Program – Dr. Leo Richardson

This committee has not met since the last meeting.

- viii. Medication Integrity Committee – Dan Bushardt, R.Ph., Al Toole, R.Ph., Addison Livingston, PharmD.

Mr. Bushardt and Mrs. Sanders attended a meeting in Boston.

Mrs. Sanders briefed the Board regarding the meeting.

Mr. Bushardt discussed the VAWD accreditation and pedigree during the meeting.

- ix. Finance Committee - Addison Livingston, PharmD, Bobby Bradham, R.Ph., Dan Bushardt, R.Ph., Hugh Mobley, R.Ph.

This committee has not met and had no report.

- x. Continuing Education – David Banks, R.Ph., Addison Livingston, PharmD, Hugh Mobley, R.Ph.

This committee has not met and had no report.

Mr. Mobley left the meeting at 3:55 p.m.

Executive Session

MOTION

Mr. Banks made a motion the Board enter executive session to discuss. Mr. Rose seconded the motion which carried unanimously.

Return to Public Session

MOTION

Mr. Banks made a motion the Board return to public session. Mr. Bushardt seconded the motion which carried unanimously.

Mr. Bradham noted for the record that no official action was taken during executive session.

15. New Business - Requests to PIC in Two Places

- i. Art Kaltsounis, R.Ph. – Boyd Pharmacy permit #10812 and Walgreens permit #6159

The Board has received a request from Art Kaltsounis seeking the Board's approval to become PIC in two locations. His request states Boy Pharmacy currently fills five to ten per month and have filled 52 prescriptions since receiving the pharmacy permit in March 2010. The request also states that Walgreens is his primary place of employment.

Mr. Kaltsounis did not appear during this meeting.

Mrs. Bundrick stated this is a new request from Mr. Kaltsounis.

The Board deferred action on this matter until Mr. Kaltsounis appears before the Board.

- ii. Zoom Heaton, R.Ph. – Custom Prescription Compounders, LLC permit #10741 and TLC Medical Centre, Inc. permit #7024

On October 20, 2010 the Board received a letter from Zoom Heaton seeking the Board's approval to become PIC in two locations. Both of the pharmacies are located within the same building. The request notes that Custom Prescription Compounders fills an average of 20 compounded prescriptions per month and TLC Medical Centre fills an average of 90 prescriptions per day.

Mrs. Bundrick stated the Board had previously approved this request; however, there is no documentation in ReLAES showing Ms. Heaton is PIC in two locations.

MOTION

Mr. Toole made a motion the Board allow Ms. Heaton to continue as PIC at both locations. Mr. Bushardt seconded the motion which carried unanimously.

- iii. Tom Holley, R.Ph. – Medical Center Pharmacy, Inc. permit # 3478 and Medical Center Compounding permit # 5156

On October 22, 2010 the Board received a request from Tom Holley seeking the Board's approval to become PIC in two locations. The request notes that both pharmacies are located in the same building and both function under his direct supervision.

Mrs. Bundrick stated the Board had previously approved this request in 2000; however, there is no documentation in ReLAES showing Mr. Holley is PIC in both locations.

MOTION

Mr. Livingston made a motion the Board allow Mr. Holley to continue as PIC at both locations. Mr. Banks seconded the motion which carried unanimously.

16. Flu Influenza – Jennifer Baker, SC PHA

Mrs. Baker thanked the members for allowing her to serve on the committee. She briefed the Board on the protocols set by the committee. She noted the Medical Board approved the protocol's during its meeting on November 10, 2010 with no revisions. She noted once Dr. Costa has signed the protocol it would be placed on the Medical Board's website.

Mrs. Baker stated the Medical Board has a policy on its website regarding pharmacists and immunizations, which she believes has been on the Board's website for six months. She further stated the Medical Board was presented with a proposed policy which would revise the policy since the protocol has passed. She noted it clarifies what was in place and reiterates it should be physician-patient only.

17. DHEC MOU

Mrs. Bundrick stated DHEC has one pharmacist who is PIC over all pharmacies in the regions or districts at this time. She further stated the Board did not have an updated MOU for the systems for OLC. She has spoken with Caroline Sojourner who informed her that Mr. Hunter signed the MOU on November 10, 2010. She noted the matter has been resolved.

18. Discussion Topics

Mr. Rose stated during the September 2010 it was discussed to have the pharmacists renew in opposite years from facilities and technicians. It was noted there has been no movement on this issue.

Mr. Rose asked Mr. Ed Vess if DEA has made nurses and nursing assistants as agents for physicians. Mr. Vess replied that this has taken place and the physician has to have a protocol in place and on file with his office as well as the nursing home. He went on to say there is a limitation; however, it is not limited to registered nurses.

19. Public Comments

No public comments were made during this meeting.

20. Adjournment

MOTION

There being no further business to be discussed at this time, Mr. Livingston made a motion the meeting be adjourned. Mr. Bushardt seconded the motion which carried unanimously.

The November 16, 2010 meeting of the SC Board of Pharmacy adjourned at 4:25 p.m.